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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,476	11/20/2003	Ram Pandit	02734.0571-00000	6856
22852	7590	06/20/2008		
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER	
			STERRETT, JONATHAN G	
		ART UNIT	PAPER NUMBER	
		3623		
		MAIL DATE	DELIVERY MODE	
		06/20/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/716,476

Applicant(s)

PANDIT, RAM

Examiner

JONATHAN G. STERRETT

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-39 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Group I. **Claims 1-10, 14-23, 27-36** drawn to **optimizing a tour having a first segment and a second segment**, classified in class 705, subclass 7.
- Group II. **Claims 11, 24 and 37**, drawn to **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of the first tour**, classified in class 705, subclass 7.
- Group III. **Claims 12, 25 and 38**, drawn to **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours** classified in class 705, subclass 7.
- Group IV. **Claims 13, 26 and 39**, drawn to **scratch optimizing a plurality of loads using a load pool**, classified in class 705, subclass 7.

The Inventions are distinct, each from the other because of the following reasons:

1. **Group I to II**

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of **optimizing a tour having a first segment and a second segment** and can be conducted without **optimizing a plurality of tours with a plurality of**

segments with optimizing of total cost savings of the first tour. Further one does not need to **optimize a plurality of tours with a plurality of segments with optimizing of total cost savings of the first tour** in order to **optimize a tour having a first segment and a second segment.** The subcombination has a separate utility such as **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of the first tour.** See MPEP § 806.05(d).

2. **Group I to III**

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of **optimizing a tour having a first segment and a second segment** and can be conducted without **Optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours** . Further one does not need to **optimize a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours** in order to **optimize a tour having a first segment and a second segment.** The subcombination has a separate utility such as **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours.** See MPEP § 806.05(d).

3. **Group II to III**

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method of **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of the first tour** and can be conducted without **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours**. Further one does not need to **optimize a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours** in order to **optimize a plurality of tours with a plurality of segments with optimizing of total cost savings of the first tour**. The subcombination has a separate utility such as **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours**. See MPEP § 806.05(d).

4. **Group I to IV**

Inventions I and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a method of **optimizing a tour having a first segment and a second segment** and can be conducted without **scratch optimizing a plurality of loads using a load pool**. Further one does not need to **scratch optimize a plurality of loads using a load**

pool in order to **optimize a tour having a first segment and a second segment**. The subcombination has a separate utility such as **scratch optimizing a plurality of loads using a load pool**. See MPEP § 806.05(d).

5. **Group II to IV**

Inventions II and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as a method of **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of the first tour** and can be conducted without **scratch optimizing a plurality of loads using a load pool**. Further one does not need to **scratch optimize a plurality of loads using a load pool** in order to **optimize a plurality of tours with a plurality of segments with optimizing of total cost savings of the first tour**. The subcombination has a separate utility such as **scratch optimizing a plurality of loads using a load pool**. See MPEP § 806.05(d).

6. **Group III to IV**

Inventions III and IV are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as a method of **optimizing a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours** and can be conducted without **scratch**

optimizing a plurality of loads using a load pool. Further one does not need to **scratch optimize a plurality of loads using a load pool** in order to **optimize a plurality of tours with a plurality of segments with optimizing of total cost savings of all tours.** The subcombination has a separate utility such as **scratch optimizing a plurality of loads using a load pool.** See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for each of the Groups I, II and III is not required for each of the other groups (i.e., I, II), restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren can be reached on 571-272-6737.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 6-9-08
/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623

